

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
	)	<b>Criminal Action No. 2004-0105</b>
<b>v.</b>	)	
	)	
<b>REINALDO BERRIOS, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**Harry Wallace, Esq.,**  
Miami, FL  
*For the Government*

**Reinaldo Berrios**  
*Defendant Pro Se*

**ORDER**

**UPON CONSIDERATION** of Magistrate Judge George W. Cannon Jr.’s Report and Recommendation (“R&R”) (Dkt. No. 903) regarding Defendant Reinaldo Berrios’ Motion to Vacate (Dkt. Nos. 776, 777); the Government’s Response to Berrios’ Motion to Vacate (Dkt. No. 823); Defendant Berrios’ Objections to Magistrate Judge Cannon’s R&R (Dkt. No. 917); and Defendant Berrios’ First through Fifth Motions to Supplement his Motion to Vacate (Dkt. Nos. 846, 961, 962, 964, 988); and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

**ORDERED** that Magistrate Judge George W. Cannon Jr.’s Report and Recommendation (“R&R”) (Dkt. No. 903) is **ADOPTED AS MODIFIED** in the accompanying Memorandum Opinion; and it is further

**ORDERED** that Defendant Berrios’ Motion to Vacate (Dkt. Nos. 776, 777) is **GRANTED IN PART AND DENIED IN PART**; and it is further

**ORDERED** that Defendant Berrios' Motion to Vacate is **GRANTED** insofar as the Court finds that two of Defendant Berrios' convictions—Count 6<sup>1</sup> and Count 9<sup>2</sup>—must be vacated; and it is further

**ORDERED** that the Court will schedule a resentencing hearing to address the nine counts for which Defendant Berrios' convictions remain valid by further Order of the Court; and it is further

**ORDERED** that Defendant Berrios' Motion to Vacate is otherwise **DENIED**.

**SO ORDERED.**

Date: July 25, 2023

\_\_\_\_\_/s/\_\_\_\_\_  
WILMA A. LEWIS  
District Judge

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<sup>1</sup> Count 6 is causing the death of a person through the use of a firearm, in violation of 18 U.S.C. § 924(j)(1). Count 6 is predicated upon Count 2, attempted Hobbs Act robbery in violation of 18 U.S.C. § 1951(a). (Dkt. No. 309 at 3, 7).

<sup>2</sup> Count 9 is using a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A). Count 9 is predicated upon Count 8, attempted carjacking in violation of 18 U.S.C. § 2119(1). (Dkt. No. 309 at 9, 10).